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United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

June 2, 1993

Mr. Alan Phillips
Air Quality Laboratories
928 7th Street
Santa Monica, California 90403

Dear Mr. Phillips,

Thank you for your letter dated May 1, 1992, concerning separator water and the use of evaporators at dry-cleaning facilities. I apologize for not replying to your letter sooner. In your letter, you inquired about the regulatory status under the Resource Conservation and Recovery Act (RCRA) of your Zerowaste machine. In general, EPA Regions and authorized states answer inquiries about the hazardous waste regulations. However, we understand that you have already referred you to us for further clarification.

Your letter stated that dry cleaners are classified as conditionally exempt small quantity generators (CESQGs) under the RCRA hazardous waste regulations. I would like to clarify that a facility's generator category under RCRA is determined by the total amount of RCRA hazardous waste generated per calendar month at that facility. We cannot, therefore, draw any conclusions that all dry cleaners fall within only one generator category or another. If certain dry cleaners meet the definition of CESQG, they must comply with only the requirements outlined in 40 CFR 261.5.

Based on the information received from you, as well as other information from dry cleaner trade associations and other interested parties, we feel that the separator water evaporators meet the definition of "wastewater treatment unit" under RCRA. Tanks that meet the definition of wastewater treatment unit are exempt from RCRA permitting under 40 CFR Sections 264.1(g)(6) and 270.1(c)(2)(v). Therefore, these units would not require RCRA permits, provided the criteria for qualifying as a wastewater treatment unit outlined in 40 CFR Section 260.10 are met (see

discussion below).

The definition of wastewater treatment unit consists of three parts enumerated at 40 CFR Section 260.10. First, the evaporator unit must meet the definition of "tank" or "tank system" also found in Section 260.10. The descriptions you provided indicate these units are tank. Second, the evaporator must be receiving and treating or storing an influent wastewater (or wastewater treatment sludge) that is a hazardous waste. We are assuming the separator water is hazardous waste either by application of the derived-from rule (e.g., derived-from F002), or the toxicity characteristic (e.g., perchloroethylene). Finally, the dry-cleaning facility must be subject to Sections 307(b) or 402 of the Clean Water Act; this includes wastewater treatment units at facilities that 1) discharge treated wastewater effluent into surface waters or into a Publicly-Owned Treatment Works (POTW) sewer system or 2) produce no treated wastewater effluent as a direct result of such requirements. We understand that some dry cleaners are eliminating discharges due to concerns over sewer pipe leakage, not CWA discharge limits per se. However, given the relatively small amounts of wastewater involved, we have concluded that this situation is similar enough to warrant equal consideration under the wastewater treatment unit exemption. Please note that the wastewater treatment unit exemption applies to the storage and/or treatment of wastewater, not concentrated wastes. This exemption would not be available to anyone placing free-phase perchloroethylene, for example, into an evaporator.

Thank you for your interest in solid and hazardous waste management. If you need further information, please contact Ross Elliott of my staff at (202) 260-8551.

Sincerely,
Sylvia K. Lowrance, Director
Office of Solid Waste